



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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RESPONSE REQUIRED BY: August 30, 2002

Regulatory Branch

333 Market Street

San Francisco, CA 94105-2197

PROJECT MANAGER: Mark D'Avignon Phone: (415) 977-8507/E-mail: mdavignon@spd.usace.army.mil

**1. Introduction:** Mr. Charles Slutzkin, Napa Valley Gateway Limited (NVG), 499 Devlin Road, Napa, California 94558 ((707) 252-8533) has applied for a Department of the Army permit to place approximately 25,000 cubic yards of earthen fill material into 3.14 acres of wetlands and waters of the U. S. in association with the construction of the 137-acre Napa Valley Gateway Business Park located in the City of Napa west of Highway 29 and north of Airport Boulevard in Napa County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to realign and enhance Sheehy Creek in order to construct the Napa Valley Gateway Business Park. Napa Valley Gateway Limited owns approximately 137 acres within the limit of the Napa Valley Gateway Business Park in Napa, Napa County, California. The properties occur on the Cuttings Wharf 7.5' USGS topographic quadrangle, in Section 2, Township 4N and Range 4W and are located west of Highway 29, east of the Napa River, and northeast of the Napa County Airport and Fagan Marsh, approximately four miles south-southeast of the city of Napa. Existing business and industrial uses associated with development of the Napa Airport Industrial Area currently surround many of the NVG properties that are mostly comprised of non-native grasslands. Approximately one mile of Sheehy Creek is included within the limits of the NVG properties, extending from Highway 29 to the far western edge of the site.

Development of the NVG properties calls for the conversion of approximately 107 acres of

non-native grasslands for business park/industrial uses and approximately 30 acres associated with the realignment and enhancement of the Sheehy Creek corridor. The applicant states the purpose of the proposed business/industrial park is intended to provide for modern, well-planned, non-nuisance light industrial and business park uses which are compatible with each other, the Napa County Airport, the Highway 29 corridor, and surrounding open space areas. Allowable uses include research and development, light manufacturing, light assembly, warehousing and distribution, development, administrative headquarters, and other professional and administrative facilities. Development of the NVG properties will result in the fill of 3.14 acres of wetlands and waters of the U.S subject to Corps and Regional Water Quality Control Board (RWQCB) regulation and 0.53 acres of isolated wetlands subject to RWQCB regulation only.

The proposed project site is dominated by non-native annual grasses, broad-leaved herbs, and weeds, which reflect the site's historic use for agricultural purposes and past disturbance caused by development of the surrounding properties. Dominant species found on the project site include wild oat (*Avena* sp.), brome grasses (*Bromus hordeaceus* and *B. rigidus*), bristly ox-tongue (*Picris echioides*), Italian ryegrass (*Lolium* sp.), barley (*Hordeum* sp.), curly dock (*Rumex crispus*), and rye grass (*Leymus triticoides*). Because of the project site's heavy past grazing and agricultural uses, the vegetation consists primarily of non-native herbaceous species.

The wetter areas on the project site support a variety of species, including Italian ryegrass (*Lolium multiflorum*), curly dock (*Rumex crispus*), rabbitfoot

grass (*Polypogon monspeliensis*), and salt grass (*Distichlis spicata*).

The existing reach of Sheehy Creek to be realigned is presently incised due to erosion and human disturbance. The channel does contain wetland plant species such as cattails and bulrushes, but lacks a developed riparian canopy. The creek banks are nearly vertical and show signs of mass wasting and sloughing during periods of high flows. The creek has been disturbed, degraded, and realigned in the past to accommodate agricultural uses hence unstable, disturbed condition.

Realignment and enhancement of portions of the Sheehy Creek corridor will accommodate business park development and complete the Sheehy Creek Enhancement Project that was implemented in 1999 along approximately 2,100 linear feet of Sheehy Creek west of Highway 29. The enhancement project involved reconfiguring the nearly vertical creek banks to a gentler grade to increase the creek's floodplain capacity, and planting native riparian trees and shrubs within the newly graded areas with the goal of improving the creek's wildlife habitat functions.

The proposed project calls for the realignment and enhancement of approximately 2,900 linear feet of Sheehy Creek west of the enhancement project already completed as described in the *NVG Wetlands Mitigation and Monitoring Plan*. Native riparian trees and shrubs and wetland plant species will be planted throughout the full length of the project along the newly created creek banks and terraces. California buckeye (*Aesculus californica*), coast live oak (*Quercus agrifolia*), California bay laurel (*Umbellularia californicus*) and understory shrubs such as coyote bush (*Baccharis pilularis*) and coffee berry (*Rhamnus californicus*) will be planted along the top of the creek bank. Willow and native understory species including wild rose (*Rosa californica*) and

California blackberry (*Rubus ursinus*) will be planted along the lower channel banks and terraces where water availability is greater. The channel banks will be seeded with native grasses and wildflower species to provide erosion control and herbaceous cover. The riparian trees and willows will eventually grow to shade the creek and improve habitat for aquatic resources by lowering water temperatures. In addition, the vegetation will provide cover, nesting and foraging habitat for a variety of birds and animals. The realigned section of creek will provide a far more diverse riparian corridor than what currently exists.

In addition to the enhancement and realignment of Sheehy Creek, approximately 0.65 acres of seasonal wetlands will be created adjacent to the creek between Highway 29 and Devlin Road, and another 3.35 acres of seasonal wetlands will be created adjacent to the creek at the far western property boundary. These seasonal wetland areas will be created through shallow excavation of existing topsoils and will collect water as a result of direct precipitation and/or storm overflows from Sheehy Creek. Implementation of the proposed mitigation plan will result on the creation of approximately 3.4 acres of jurisdictional stream-zone and 4.0 acres of seasonal wetlands, which represents a 2.4:1 compensation ratio.

A primary objective of the mitigation plan is to create a self-sustaining channel morphology within the newly excavated channel and a broad, structurally diverse riparian corridor with enhanced habitat values. Flood plain terraces will be created within the channel at elevations that will allow for periodic flooding by storm flows and enhance floodplain values. Extensive planting with appropriate native wetland and riparian species along the creek banks and newly created terraces will enhance the creek's natural functions as habitat and as a wildlife corridor.

Extensive surveys for federally listed threatened and endangered species have been conducted on the project site by qualified biologists. No impacts to any federally listed endangered species have been indicated at this time. However, should such an impact be identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California

Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

**4. EVALUATION OF ALTERNATIVES:** The evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. However, the applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternative for his project. The Analysis of Alternatives is available for review in our office. Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)).

**5. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including

the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**6. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**7. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider

this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Mark D'Avignon at telephone 415-977-8507 or E-mail: mdavignon@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

